

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 9:20CR40
v.	§	
	§	JUDGE TRUNCALE
TYSON SPENCER	§	

**ELEMENTS OF THE OFFENSE**

You are charged in Count One of the information with a violation of 21 U.S.C. § 841, possession with intent to distribute a controlled substance. The essential elements which must be proven to establish the violation are:

1. That you knowingly possessed a controlled substance;
2. That the substance was in fact 4F-MDMB-BUTINACA, a positional isomer of 5F-AMB, a Schedule I controlled substance;
3. That you possessed the controlled substance with the intent to distribute it; and
4. That the quantity of the substance was a detectable 4F-MDMB-BUTINACA, a positional isomer of 5F-AMB.

You are charged in Count Two of the information with a violation of 18 U.S.C. § 922(g), possession of a firearm by a prohibited person. The essential elements which must be proven to establish the violation are:

1. That you knowingly possessed the firearm;
2. That before you possessed the firearm, you had been convicted of a crime punishable by imprisonment for a term exceeding a year;

3. That at the time you possessed the firearm, you knew you had been convicted of a crime punishable by imprisonment for a term exceeding one year; and
4. That the firearm affected interstate commerce.

Respectfully submitted,

BRIT FEATHERSTON  
UNITED STATES ATTORNEY

/s/ Donald S. Carter  
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Assistant United States Attorney  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was delivered by electronic delivery to defendant's attorney David Barlow, on the 4th day of April 2023.

/s/ Donald S. Carter  
DONALD CARTER